



The HIGH ROAD

"Preserving public confidence in public servants."

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Hawaii State Ethics Commission

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GOVERNOR REAPPOINTS ELOISE LEE TO HAWAII STATE ETHICS COMMISSION

Governor Cayetano has reappointed Eloise Lee to a four-year term on the Hawaii State Ethics Commission. Ms. Lee is a retired educator who worked for many years in Colorado as a teacher, counselor, and school administrator. She also worked for the Hawaii State Department of Education as an educational specialist. Her term on the Commission will run until June 30, 2004.

ETHICS REMINDER ON THE USE OF FREQUENT FLYER CREDITS EARNED ON STATE TRAVEL

Have you earned frequent flyer credits or mileage points while traveling on state business? If so, you should be aware of an ethics opinion concerning the use of frequent flyer benefits accrued on state travel.

Advisory Opinion No. 88-9, issued in 1988 by the Hawaii State Ethics Commission, held that where at all possible, travel benefits accrued on state travel must be used for state business. The Commission's opinion was based on section 84-13(2), Hawaii Revised Statutes, which prohibits a state official or employee from receiving compensation or consideration for the performance of official duties except as provided by law. Section 84-13(2) is part of the "Fair Treatment" law, section 84-13, Hawaii Revised Statutes, which generally prohibits the use of one's official position to secure an unwarranted privilege or advantage for oneself.

In Advisory Opinion No. 88-9, the Commission stated:

- That transferable travel benefits accrued on state travel must be used for subsequent state travel by the employee who accrued the benefits or must be transferred to another state employee for state business;
- That non-transferable travel benefits accrued on state travel must also, where at all possible, be used for state business; and
- That if it appears that frequent flyer benefits will not or cannot be used for a future state purpose, state officials and employees may use the benefits for personal travel provided the State has adopted a policy to this effect. Absent such a state policy, travel benefits accrued on state travel cannot be used for personal travel. State officials and employees should consult with their agencies as to applicable state policies regarding the use of state travel benefits for personal travel.

You can access Advisory Opinion No. 88-9 on our website at www.state.hi.us/ethics.

WHAT ARE YOUR QUESTIONS

Each year, the Hawaii State Ethics Commission receives over 2,000 requests for advice and information about the laws that the Commission administers – the State Ethics Code (Chapter 84, Hawaii Revised Statutes) and the State Lobbyists Law (Chapter 97, Hawaii Revised Statutes). We receive questions from government officials and employees, lobbyists and organizations that employ lobbyists, companies and individuals who do business with state government, and other members of the public. We receive inquiries from all islands throughout the state of Hawaii, as well as from other states and even from foreign countries.

What questions do people ask? Here are a few examples of inquiries that we received this year:

- ▶ A supervisor requested advice about an expensive gift that a subordinate employee received at work.
- ▶ A state employee asked whether he could solicit donations from co-workers in the office for a private charity.
- ▶ A legislator asked whether a newsletter that he planned to send to his constituents raised ethics concerns.
- ▶ A state board member asked whether he could lobby for a private organization.
- ▶ A state employee asked whether it would be permissible to accept the offer of a free trip to attend a conference on the mainland.
- ▶ A former state employee asked whether she could work for a company on a contract that was awarded by her former state agency.
- ▶ An anonymous caller reported that a state employee was using state office equipment for private business purposes.
- ▶ A state employee asked whether he could work part-time for a company that had dealings with the employee's agency.
- ▶ A state employee asked whether his agency could award a consultant contract to a member of a state board.
- ▶ A member of the public complained that an employee was campaigning in a state office.
- ▶ A state employee asked whether his agency could solicit donations from various businesses to help social service clients.
- ▶ A state board member asked whether he would have a conflict of interest if he took action affecting a certain state project.
- ▶ A state employee asked whether she could keep a door prize that she won from a vendor at a conference that she attended on behalf of her state agency.

Do you have an ethics or lobbying question? If so, contact us at 587-0460.

STATE AGENCIES HOST ETHICS WORKSHOPS

Mahalo to the following state agencies that hosted ethics workshops for their employees this year:

Department of the Attorney General – Child Support Enforcement Agency

Department of Commerce and Consumer Affairs – Division of Financial Institutions

Department of Education – School Food Services Branch

Department of Health – Executive Office on Aging

Department of Health – Health Promotion Education Branch

Department of Human Services – Benefit Employment and Support Services Division

Office of the Lieutenant Governor – Office of Elections

Would your office like to host an ethics workshop for your employees? If you can provide a meeting room for the workshop, one of our attorneys will conduct the workshop and provide all workshop materials. Please contact the Hawaii State Ethics Commission for more information.

The High Road is a publication of the Hawaii State Ethics Commission.

Commissioners: Leolani Abdul, Chair
Ronald R. Yoshida, Vice Chair
Eloise Lee
Carl Morton, M.D.
Dawn Suyenaga

Executive Director: Daniel J. Mollway

Address: P.O. Box 616
Honolulu, HI 96809

Telephone: 587-0460 **Fax:** 587-0470

E-mail: ethics@ethics.mindwind.com

Internet URL: <http://www.state.hi.us/ethics>